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12 13	Attorneys for Defendant SIEMENS MEDICAL SOLUTIONS USA, In and SIEMENS AKTIENGESELLSCHAFT	NC.		
14	UNITED STATES DISTRICT COURT			
	CENTRAL DISTRICT OF CALIFORNIA			
15	CENTRAL DISTRICT	OF CALIFO	RNIA	
16	CENTRAL DISTRICT NEUROGRAFIX, ET AL.,) MRP(RZX)
16 17) CASE NO.) DECLAR	. CV 10-1990 ATION OF :	SEAN M.
16 17 18	NEUROGRAFIX, ET AL.,) CASE NO.) DECLAR.) MCELDO) SUPPORT	CV 10-1990 ATION OF: WNEY IN I	SEAN M. FURTHER ENS'
16 17	NEUROGRAFIX, ET AL., Plaintiffs, vs. SIEMENS MEDICAL SOLUTIONS USA,) CASE NO.) DECLAR.) MCELDO) SUPPORT) MOTION) SUMMAR	ATION OF: WNEY IN: OF SIEMI FOR PART RY JUDGM!	SEAN M. FURTHER ENS' TAL ENT OF
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16 17 18 19 20 21	NEUROGRAFIX, ET AL., Plaintiffs, vs. SIEMENS MEDICAL SOLUTIONS USA, INC., ET AL.,) CASE NO.) DECLAR.) MCELDO) SUPPORT) MOTION) SUMMAR) INVALID) CLAIMS.) 49, 50, 55,) U.S. PATH) LIGHT O) CONSTRU	CV 10-1990 ATION OF SWNEY IN 1 FOR PART RY JUDGMI ITY REGAL 3-5, 36, 37, 3 56, 58, 59, 6 ENT NO. 5,5 F CLAIM UCTION OF	SEAN M. FURTHER ENS' TAL ENT OF RDING 69-44, 46, 47, 1, AND 62 IN 660,360 IN RDER
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16 17 18 19 20 21 22 23 24 25	NEUROGRAFIX, ET AL., Plaintiffs, vs. SIEMENS MEDICAL SOLUTIONS USA, INC., ET AL.,	DECLAR. DECLAR. MCELDO SUPPORT MOTION SUMMAR INVALID CLAIMS: 49, 50, 55, U.S. PATH LIGHT O CONSTRU The Hon. I United Sta	ATION OF EWNEY IN IT OF SIEMI FOR PARTE OF SIEMI ITY REGALUM SECTION OF CLAIM UCTION OF CLAIM	SEAN M. FURTHER ENS' TAL ENT OF RDING 19-44, 46, 47, 1, AND 62 IN 660,360 IN RDER Pfaelzer Court Judge r 5, 2011

INC.,

Counterclaim Plaintiff,

VS.

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NEUROGRAFIX, and WASHINGTON RESEARCH FOUNDATION,

Counterclaim Defendants.

I, Sean M. McEldowney, hereby declare:

- I am an attorney at the law firm of Kirkland & Ellis LLP, which represents Siemens Medical Solutions USA, Inc. and Siemens Aktiengesellschaft (collectively "Siemens") in the above-captioned matter.
- 2. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the *Markman* Hearing, dated March 24, 2011.
- 3. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the deposition of Michael N. Brant-Zawadzki, M.D., dated August 16, 2011.
- Attached hereto as Exhibit 12 is a true and correct copy of Paul A. Bottomley et al., A review of normal tissue hydrogen NMR relaxation times and relaxation mechanisms from 1-100 MHz: Dependence on tissue type, NMR frequency, temperature, species, excision, and age, 11(4) Medical Physics 425 (1984).
- 5. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from Dan L. Bader et al., Ulcer Pressure Research: Current and Future Perspectives (Springer ed. 2005).
- Attached hereto as Exhibit 14 is a true and correct copy of excerpts from P. D. Gatehouse & G. M. Bydder, Magnetic Resonance Imaging of Short T₂ Components in Tissue, Clinical Radiology 58 (2003).
- 7. Attached hereto as Exhibit 15 is a true and correct copy of M. Weiger et al., Direct Depiction of Bone Microstructure Using ZTE Imaging, 19 Proc. Intl. Soc. Mag. Reson. Med. 563 (2011).

I hereby declare, under penalty of perjury, that the foregoing statements are true and correct to the best of my personal knowledge. Respectfully submitted, /s/ Sean M. McEldowney Sean M. McEldowney Dated: August 31, 2011 Declaration of Sean M. McEldowney

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CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2011, a copy of the foregoing DECLARATION OF SEAN M. McELDOWNEY IN FURTHER SUPPORT OF SIEMENS' MOTION FOR PARTIAL SUMMARY JUDGMENT OF INVALIDITY REGARDING CLAIMS 3-5, 36, 37, 39-44, 46, 47, 49, 50, 55, 56, 58, 59, 61, AND 62 IN U.S. PATENT NO. 5,560,360 IN LIGHT OF CLAIM CONSTRUCTION ORDER was served upon counsel of record for Plaintiffs registered with the Court's CM/ECF system.

/s/Sean M. McEldowney

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